

STATE OF NEW YORK  
SUPREME COURT

COUNTY OF ALBANY

JOSEPH LIA,

Plaintiff,

**COMPLAINT** 1:24-cv-00543 (MAD/ ML)

-against-

WALMART, INC.,

Index No.:

Date filed: \_\_\_\_\_

Defendant.

The plaintiff, Joseph Lia, by and through his attorneys, Anderson, Moschetti & Taffany, PLLC, complaining of the defendant, alleges as follows:

1. That at all times relevant, the plaintiff was and still is a resident of the City of Albany, County of Albany and State of New York.
2. That at all times relevant, the defendant, Walmart, Inc., was a foreign corporation licensed to do business in the State of New York and doing business operating as a store called the Walmart Supercenter #2152, located at 141 Washington Avenue Extension, Albany, New York 12205.
3. That at all times relevant, the defendant, Walmart, Inc., was a foreign corporation doing business in New York which regularly does or solicits business, or engages in other persistent conduct, or derives substantial revenue from its business in the State of New York and owns and operates a property in the State of New York, specifically Walmart Supercenter #2152, 141 Washington Avenue Extension, Albany, New York 12205.

4. That at all times relevant, the defendant was charged with the duty of taking those steps and precautions necessary to properly maintain the property known as the Walmart Supercenter #2152, so as to avoid the development and existence of unreasonably dangerous conditions on said premises.

5. That on or about January 16, 2022, in approximately mid-afternoon, the plaintiff, Joseph Lia, was lawfully upon the premises known as the Walmart Supercenter #2152, walking in the aisle of the store on the second floor near the electronics section and the shoe section. He was walking between two pallets on his way to the electronics section and was caused to slip and fall on the floor by stepping on debris which had been left on the floor.

6. That the debris that was left on the floor was, upon information and belief, a plastic cap to a bottle.

7. That upon information and belief, the plastic cap had been laying in the aisle where the plaintiff fell for a considerable length of time.

8. That the cap on the floor was a tripping hazard which resulted in the floor being defective and in a dangerous condition and a hazard to those walking in the area, including the plaintiff herein.

9. That as a result of the dangerous and defective condition of the floor, the plaintiff was caused to fall to the ground and be seriously injured.

10. That as a result of the negligence of the defendant, the plaintiff suffered serious personal injuries, damages and expenses.

11. That the defendant caused the dangerous condition and/or knew or should have known of the dangerous and hazardous condition of the floor in that section of the store.

12. That at all times relevant, the defendant was charged with the duty of taking those steps and precautions necessary to avoid the development and/or existence of an unreasonably dangerous condition at said location.

13. That at all times relevant, the defendant had both actual and/or constructive notice and knowledge of the aforescribed dangerous condition that existed on said premises, or should have had such notice and knowledge.


14. That the injuries suffered by the plaintiff were caused by the negligent acts of the defendant, without any fault on the part of the plaintiff herein.

15. That this action is being brought in the Supreme Court of the State of New York as the damages exceed the jurisdictional levels of all lower courts.

16. That by reason of the foregoing, the plaintiff has been damaged in a substantial monetary amount.

WHEREFORE, the plaintiff demands judgment against the defendant in the manner and form recited, together with the costs and disbursements of this action.

DATED: January 18, 2023

  
ANDERSON, MOSCHETTI & TAFFANY, PLLC

By: David J. Taffany, Esq.

Attorneys for Plaintiff

Office and P.O. Address

26 Century Hill Drive, Suite 206

Latham, New York 12110

(518) 785-4900